

REMARKS

Favorable reconsideration of this application, as presently amended, is respectfully requested.

Claims 1-33, 38 and 40 are pending in the present application. Claims 1-33, 38 and 40 were rejected under 35 USC 103(a) as being unpatentable over Shiota et al. in view of Applicants' art described on page 2, lines 11-15 and page 13, lines 14-22 of the application (Applicants' art).

Referring to the rejection of claims 1-33, 38 and 40 as noted above, claim 1 relates to a method of producing digital image products in a photofinishing lab. In the method of claim 1, each image is associated with identification data and the image with the identification data are sent to a central processing unit. The central processing unit of claim 1 analyzes each of the obtained digital images and compares the analyzed obtained digital images with reference image data representative of an optimum image to create an optimized image. The central processing unit is further adapted to create batches of digital images from multiple customer orders and determine an output sequence of each of the obtained digital images to the output device based on at least associated identification data.

More specifically, the central processing unit of claim 1 is adapted to compare analyzed digital images with reference image data representative of an optimum image to create an optimized image; create batches of digital images from multiple customer orders where the images have been optimized; and determine an output sequence of each of the images to output devices based on at least associated identification data.

As noted on page 3 of the Office action, the reference to Shiota et al. does not teach analyzing images and comparing the analyzed image with reference image data representative of an optimum image. For this feature, reference was made to Applicants' art as described on the above-noted pages of the specification. Page 2, lines 11-15 of the present specification relate to the process of prescanning and analyzing an image based on historical information to determine image characteristics for printing. Page 13, lines 14-22 of the specification set forth the concept of analyzing and comparing image data with respect to an output device.

Absent Applicants' disclosure, there would have been no teaching or suggestion for modifying Shiota et al. to achieve the subject matter of the claimed invention. More specifically, Applicants' art relates to the ability to analyze images based on reference data. However, there is no showing or suggestion in Applicants' art of the specific combination of a central processing unit that can analyze images; compare the analyzed images with reference image

data representative of an optimum image to create an optimized image; create batches of digital images from multiple customer orders; and determine an output sequence of each of the obtained digital images to an output device based on at least associated identification data. More specifically, the claimed feature of the central processing unit with respect to creating batches of digital images takes into account the concept of analyzing images for the purposes of creating an optimized image, such that the virtual batch of images can include this optimized image data. As noted in the Office Action, the reference to Shiota et al. does not show or suggest the concept of analyzing and comparing the images with reference image data. Applicants' art relates in general to analyzing images but this does not describe the combination as claimed with regard to at least image optimization and image batching. Absent Applicants' disclosure, there would be no showing or suggestion of providing for a method of producing image products, wherein a central processing unit is adapted to analyze and compare images as noted above, and create a virtual batch of images which takes into account the optimized images. More specifically, no reference shows the specific combination of the method of claim 1 with regard to the central processing unit analyzing images to obtain an optimized image, creating a virtual batch of the images, and determining an output sequence of the obtained images to an output device based on identification data.

Accordingly, Shiota et al. and Applicants' art, whether considered individually or in combination, are not believed to show or suggest the features of claim 1.

Claims 2 and 4-14 depend from claim 1 and set forth further unique features of the present invention which are also not believed to be shown or suggested in the applied references. Therefore, these claims are also allowable.

Claim 3 relates to a method of producing digital image products in a photofinishing lab in which a central processing unit analyzes images with respect to comparing the images to digital data representative of optimum images; creates batches of images from multiple customer orders; determines an output sequence of each of the obtained digital images to output devices based on at least associated identification data; and modifies the digital images in accordance with product/service data and the output device to which the digital image is to be sent. As set forth above and also noted in the Office Action, the reference to Shiota et al. does not disclose the concept of optimizing images in a central processing unit. It is further noted that the reference to Shiota et al. as well as Applicants' art, whether considered individually or in combination, would not show or suggest the combined features of the central processing unit as noted above, which is adapted to create virtual batches, determine output sequences of the images, modify

images in accordance with product/service data and the output device to which the digital image is to be sent, and compare the images with reference image data representative of an optimum image to create an optimized image. More specifically, as noted above, Applicants' art sets forth features of a CPU being capable of analyzing an image with respect to reference data, however, there is no showing or suggestion of a central processing unit that is adapted to analyze images to create optimized image data and create virtual batches which would take into account the optimized data, in combination with determining output sequences of the images and modifying images in accordance with product/service data and the output device to which the digital image is to be sent.

Accordingly, Shiota et al. and Applicants' art, whether considered individually or in combination, are not believed anticipate or make obvious the features of claim 3.

Claim 15 relates to a photofinishing lab for producing digital products. Claim 15 sets forth a central processing unit that receives digital images and identification data, and is adapted to analyze the obtained digital image and compare each of the obtained digital images with reference image data representative of an optimum image to create an optimized image. The central processing unit of claim 15 is further adapted to create batches of digital images from multiple customer orders and to determine an optimum sequence of each of the obtained digital images to image output devices based on at least the associated identification data. Shiota et al. and Applicants' art do not show or suggest the specific combination of a lab that includes a central processing unit adapted to analyze images, compare the images with reference image data, create batches of images from multiple customer orders, and determine an output sequence of each of the obtained images to image output devices based on at least the associated identification data. Also, as noted above, the reference to Shiota et al. does not disclose the concept of optimizing images in a central processing unit, while Applicants' art does not show or suggest the combination of creating a batch of images having similar identification data, wherein the batch of images take the optimized image data into account. Therefore, claim 15 is believed to be allowable.

Claim 16 which depends from claim 15 sets forth an additional unique feature of the present invention which is also not believed to be shown or suggested in the applied references. More specifically, claim 16 requires that the central processing unit modify the obtained images in accordance with product/service data and the output device to which the obtained digital image is to be sent. The applied references do not show or suggest a central processing unit that creates virtual batches of images, where the images have been analyzed

to provide for an optimized image; determines output sequences; and modifies the images in accordance with product/service data and an output device to which the image is to be sent. Therefore claim 16 is also believed to be allowable.

Claims 17-28 also depend from claim 15 and set forth further unique features of the present invention were are not believed to be shown or suggested in the applied references. Therefore, these claims are believed to be allowable.

Claim 29 relates to a photofinishing method for managing workflow in a lab. Claim 29 requires that the method for managing workflow utilize a processing unit that analyzes images with reference to image data representative of an optimum image to create an optimized image, creates batches of images from multiple customer orders and determines an output sequence of each of the images to output devices based on at least identification data. More specifically, the applied references, whether considered individually or in combination, are not believed to show or suggest the concept of creating batches of images from multiple customer orders, wherein the images have been analyzed to create an optimized image, and determining an output sequence of each of the images based on at least identification data. Therefore, claim 29 is believed to be allowable.

Claims 30-32 depend from claim 29 and set forth further unique features of the present invention which are also not believed to be shown or suggested in the applied references.

Claim 33 relates to a computer program product which requires the step of sending images and identification data to a processing unit. The processing unit of claim 33 creates batches of digital images and determines an output sequence of each of the images to output devices. Claim 33 further requires that the image product of the output device be combined with a related original order using the associated identification data. A further feature of claim 33 is that the identification data be product/service data indicative of the type of image product for the image, such that the images are modified in accordance with the output device to which the image is to be sent. The reference to Shiota et al. does not show or suggest the concept of having a computer product that includes a processing unit that creates batches of digital images; determines an output sequence of each of the images to output devices; and further requires that the image product from an output device be combined with the related original order using the associated identification data, where the associated identification data is product/service data indicative of the type of image product for the image, and the images are modified in accordance with the product/service data and the output device to which the images are to be sent.

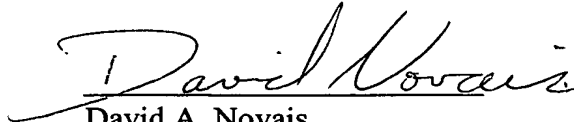
With respect to claim 38, this claim requires a processing unit that is adapted to create a virtual batch and is further adapted to analyze each image for image correction based on at least reference image data to create an optimized image with respect to the creation of the virtual batch. The reference to Shiota et al. as noted above does not show or suggest the claimed processing unit having the features required by claim 38, including the concept of analyzing images for image correction based on at least reference image data in combination with creating a virtual batch based on at least a time necessary to complete image products, so as to compile a sequence of completion of the output image product that permits efficient use of the output devices. Applicants' art does not correct the deficiencies of Shiota et al. with respect to the claimed invention in that Applicants' art does not show or suggest the specific combination of creating a virtual batch which takes into account optimized images, and is created based on at least a time necessary to complete the image products. Therefore, claim 38 is allowable.

Claim 40 relates to a photofinishing method which comprises the steps of creating a virtual batch of received images based on at least a time necessary to complete output image products at any of a plurality of output devices, and comparing the received images to reference image data representative of an optimum image to permit manipulation of the received images based on the reference image data. The reference to Shiota et al. does not show the concept of creating a virtual batch of images based on at least a time necessary to complete an output image product; while Applicants' art does not correct the deficiencies of Shiota et al. since Applicants' art does not show the specific combination of creating a virtual batch of images and comparing the images to reference image data representative of an optimum image to permit manipulation of the received images based on the reference image data. Therefore, claim 40 is allowable.

Accordingly, Shiota et al. and Applicants' art, whether considered individually or in combination, are not believed to anticipate or make obvious the specific features required by claims 1-33, 38 and 40.

In view of the foregoing comments, it is submitted that the inventions defined by each of claims 1-33, 38 and 40 are patentable, and a favorable reconsideration of this application is therefore requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "David Novais". The signature is written in black ink and is positioned above the printed name and title.

David A. Novais
Attorney for Applicants
Registration No. 33,324

DAN/ld
Rochester, NY 14650
Telephone: (585) 588-2727
Facsimile: (585) 477-1148